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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/938,211 09/03/92 BERNA

C2M1/0301

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P	
EXAMINER HUGHES, S	
ART UNIT	PAPER NUMBER 7

3206
DATE MAILED: 03/01/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☒ Responsive to communication filed on 1/3/94 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-10 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948);
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

Specification

1. The substitute specification and abstract submitted on 03 January 1994 have been entered. The new declaration is sufficient to overcome the objection to the specification regarding alterations which have not been initialed.

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. Also, the specification, as originally filed, does not provide support for the invention as is now claimed.

Specifically, reference is made to "a support part 1, such as a rod or a tube, with a circular cross section or not" (emphasis added). Applicant has not sufficiently described a support part which is "not" circular, nor has Applicant described how the movable arms 2 would be able to be "turned into several directions around said support" if the support was "not" circular

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in section. Additionally, if the support part is "cylindrical", it is not clear as to how it can "not" have a circular section.

Also, the arms being removable is new matter not supported by the original specification. Although the arms of Applicant's invention may have been able to be removed from their respective support parts, there is no support in the specification as to how the arms are able to be removed, nor is there support for claiming this removable feature in the context of the present claims. That is, there is no support for removing the arms when making and/or using the apparatus of the invention.

Claim Rejections - 35 USC § 112

3. Claims 1-10 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the above objection to the specification.

4. Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, step "a", the phrase "with a section circular or not" is mis-leading and should read --with a circular section-- (this also applies to claims 2 and 10). Also, the phrase "which can be easily slipped outwards thereof and inwards again" in step "b" is not clear as to exactly what is being claimed (see also

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claim 2). Further, in the last line of step "c", "the layer" lacks proper antecedent basis (see also claim 2) and it is not understood what is meant by "the layer".

In claim 3, lines 3 and 4, the phrase "contact face, ring which is covering..." reads awkwardly.

In claims 5 and 6, last line of each claim, "the other arm of same pair" reads awkwardly.

In claim 8, lines 5 and 6, "said at least buffer" should read --said at least one buffer-- (see also claim 9, line 5), and on line 6, the phrase "and possibly another coupler" leads to indefinite claim language.

In claim 10, lines 4, 7 and 18, the phrases "support part might have secured thereto"; "possibly another coupler"; and "or against some auxiliary rigid element" lead to indefinite claim language.

These and other 35 USC § 112 second paragraph problems remain in the case, all of which are too numerous to mention individually and all of which must be corrected.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-3 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Neff in view of Thornton.

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Neff teaches a device for clamping objects comprising a cylindrical support 10 on which is mounted a first arm 12 and a second arm 14,16. The arms can slide along the support and are able to rotate thereabout. Neff, however, does not teach fitting the arms with elastic buffers at their ends.

Thornton teaches fitting the arms of a clamp structure with rubber clamping pads at their ends.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the clamping arms of Neff with elastic pads, in light of the teachings of Thornton, in order to protect the object being clamped. Note that the contact faces of Neff are at right angles to the support part and that the pads taught by Thornton can be considered rings which cover the end of each arm.

Regarding claim 10, the arms of Neff are manually moved into contact with the object being held and are then released so as to lack each of the arms by tilting them against the support part.

7. Claims 4-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Neff in view of Thornton as applied to claims 1-3 and 10 above, and further in view of the EPO 0080960 patent to Berna.

Neff in view of Thornton teach the invention except for additional sets of movable arms placed on the support part.

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Berna, in figure 3 of the EPO patent, teaches providing a support part of a clamping device with multiple sets of movable arms.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the support part of Neff/Thornton with additional movable arms, in light of the teachings of Berna, in order to be able to hold more than one object at a time. Note that one of ordinary skill would be fully capable of adding additional sets (more than two) of movable arms to the support part, depending on the number of objects being held.

8. Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Neff in view of Thornton as applied to claims 1-3 and 10 above, and further in view of Ditto.

Neff in view of Thornton teach the invention except for an end of the support part being fitted with a removable stop.

Ditto teaches providing a support part in a clamp with an end cap 32.

It would have been obvious to one of ordinary skill in the art, at the time of invention, to provide the support part of Neff/Thornton with an end cap, in light of the teachings of Ditto, in order to protect the users hand. Note that the end cap of Ditto can function as a stop, can be considered to be a rider and is removable from the support part.

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Allowable Subject Matter

9. Claims 8 and 9 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

10. The following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art does not teach or suggest a coupler which supports another support part in a device of the type claimed.

Additional Prior Art References

11. The copies of the prior art references supplied by Applicant in the 03 January 1994 response have been considered by the Examiner.

Response to Amendment

12. Applicant's arguments filed 03 January 1994 have been fully considered but they are not deemed to be persuasive.

The rejections under 35 USC § 103 have not been overcome by Applicant's response (see the above corresponding rejections).

Regarding the rejections based on prior art, Applicant makes the following arguments, which are subsequently addressed by the Examiner:

a. Applicant argues that Berna EPO 0080960 is disqualified as prior art, citing MPEP sections 2187 and 2188. The Examiner

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maintains that since the Berna EPO reference was described in a printed publication more than one year before the date of application of Applicant's invention, then it does qualify as prior art under 35 USC § 102(b). MPEP sections 2187 and 2188 apply in situations where the second paragraph (i.e. sub sections (f) and (g) of 35 USC 102) of 35 USC § 103 is the basis of the rejection, thus are not applicable in this instance.

b. Applicant argues that Thornton provides the pads merely for protection, and not for providing a clamping force as Applicant claims. The Examiner maintains that refers to his pads as "clamping pads" at column 4, line 14. This reference suggests that the pads provide a clamping feature and not just a protection or safety feature as Applicant argues.

c. Regarding the Ditto reference, Applicant argues that Ditto's end cap 32 is not removable. The Examiner maintains that the end cap 32 of Ditto is able to be removed from the support part. Applicant provides no evidence to the fact that the end cap 32 of Ditto is non-removable.

d. Applicant's argues that Neff does not teach removable arms. The Examiner maintains that the arms of Neff are able to be removed. In this regard, Applicant has provided no reasoning as to why it is critical that the arms of the invention are "removable".

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In general, Applicant has argued the rejections by piecemeal analysis of the references, without providing any arguments as to why the combinations of references suggested by the Examiner in the rejection statements are without merit.

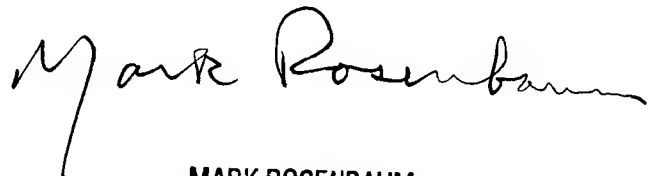
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

13. Any inquiry concerning this communication should be directed to Examiner Tom Hughes at telephone number (703) 308-1806.

sth 
February 27, 1994



MARK ROSENBAUM
SUPERVISORY PATENT EXAMINER
GROUP 3200